

04-1140 MARTIN, ET UX. V. FRANKLIN CAPITAL CORP., ET AL.

DECISION BELOW: 393 F.3d 1143 (10th Cir. 2004)

QUESTION PRESENTED

What legal standard governs the decision whether to award fees and expenses under 28 U.S.C. § 1447(c) upon remanding a removed case to state court?

Cert. Granted 4/25/05